



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

January 30, 2020

Via ECF

The Honorable Paul A. Crotty
United States District Judge
Southern District of New York
United State Courthouse
500 Pearl Street, Courtroom 14C
New York, New York 10007

Re: *United States v. Joshua Adam Schulte*, S2 17 Cr. 548 (PAC)

Dear Judge Crotty:

The Government respectfully submits this letter in response to the defense's letter (the "Defense Letter"), dated January 29, 2020, in which the defendant asks that the Court direct the Government to (1) identify the specific language in the defendant's prison notebooks (the "MCC Notebooks") and "Malware of the Mind" article (the "Malware Article") that the Government argues is national defense information for purposes of Count Four; and (2) describe the method by which the Government will present this information to the jury. With respect to the defense's first request, the Government has provided the specific language to both the defense and the Court on multiple occasions, including in the Government's bill of particulars, dated April 29, 2019, and the Government's Classified Information Procedures Act ("CIPA") Section 10 notice, dated July 29, 2019. As for the form in which the Government intends to introduce that national defense information into evidence at trial, the Government already has proposed CIPA Section 6(c) substitutions for the national defense information in Government Exhibits 801, 806, and 809, which are the MCC Notebooks and Malware Article. Those exhibits will be publicly available in their substituted form.

Respectfully submitted,

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Cc: Defense Counsel (via ECF)